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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application. No. : 09/932,254 Confirmation No. 3106
Applicant : Lu Llu
Filed : 08/16/2001
TC/A.U. : 1636
Examiner : Vogel, Nancy S.
Docket No. : V0162
Customer No. : 27310
Title : Novel Constructs and Their Use in Metabolic Pathway
Engineering

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO OFFICE ACTION DATED FEBRUARY 8, 2005

This is in response to the Office Action of February 8, 2005, in which the Examiner has indicated that the amendment to the claims filed on November 22, 2004, does not comply with the requirements of 37 CFR 1.121(c), because the claims 7, 9-10, 21-31, 40, 42, 43, 48-81, 96-104 are not listed, with a status identifier as required by 37 CFR 1.121(c). Applicant has attached to this response, a full claim listing including status identifiers for each claim, thereby complying with the requirements of 37 CFR 1.121(c).

In addition, the response to the Office Action of November 3, 2004, in which the Examiner has repeated the listing of claims readable on the elected species contained the following information, resubmitted here for the Examiner's convenience.

Application Number: 09/932,254
Reply to Office Action dated: February 8, 2005
Response dated: May 31, 2005

Comments from Response to Restriction Requirement Nov 22, 2004

Applicant confirms election of the claims of Group I, as indicated in the reply filed June 18, 2004, and the election of the species of B, the group consisting of diaminobutyric acid amino transferase, diaminobutyric acid acetyltransferase, and ecotoine synthase, as indicated in the reply filed August 17, 2004.

Claims readable on the elected species are: 1, 2, 3, 4, 5, 6, 8, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 32, 33, 34, 35, 36, 37, 38, 39, 41, 44, 45, 46, 47, 80, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 105. The elected claims are attached hereto for the Examiner's convenience.

Add new claim 105.

105. (New) The method of claim 80, wherein the at least two enzymatic domains comprise domains from plant enzymes selected from the group consisting of diaminobutyric acid aminotransferase, diaminobutyric acid acetyltransferase and ecotoine synthase.

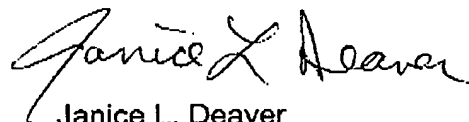
Applicant reserves the right to pursue the non-elected inventions in continuing applications.

Application Number: 09/932,254
Reply to Office Action dated: February 8, 2005
Response dated: May 31, 2005

Conclusion

It is believed that 3 month extension of time and fees are required. However, in the event that additional extensions of time are necessary to allow consideration of the paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore is hereby authorized to be charged to Deposit Account No.16-1852.

Respectfully submitted,



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